

RESOLUTION 43-19
THE TOWN OF FOREST HEIGHTS

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENFORCE PERTINENT CONTRACT TERMS AND MAKE ANY BENEFICIAL CLAIMS NECESSARY TO PROCEED TOWARD COMPLETION OF THE 606 MODOC LANE RECONSTRUCTION PROJECT FOR THE NEW POLICE AND PUBLIC WORKS DEPARTMENTS FACILITY; AND GENERALLY RELATED TO CONTRACTS AND SERVICES FOR TOWN BUILDINGS

Introduced By: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Town, in March of 2013, purchased certain real property developed with a house, and attached garage located at 606 Modoc Lane adjacent to and abutting the municipal building parcel (Parcel E), and the Town has implemented plans to renovate said property for a Town police station, and a public works office; and

WHEREAS, the Mayor and Council approved Resolution 41-14 on or about June 30, 2014 authorizing the Mayor to accept a proposal prepared by Architectural Solutions LLC, that submitted a proposal for services covering architectural, structural, mechanical, plumbing and electrical design services to renovate both the Municipal Building and the above-referenced property on Modoc Lane; and

WHEREAS, on or about December 7, 2015 by Resolution 68-15, the Town Council approved a proposal of Strategiesfirst, LLC of Suitland, MD regarding demolition services for 606 Modoc Lane (Phase I); and

WHEREAS, on or about August 17, 2016, the Town Council approved a Letter of Intent ("LOI") dated August 1, 2016 authorizing the Mayor to negotiate a construction contract consistent with the terms and conditions memorialized in the LOI, and a contract was signed between the Town and Strategiesfirst, LLC, as the contractor, on August 17, 2016 to renovate 606 Modoc Lane (Phase II); and

WHEREAS, the Mayor and Council approved an amended contract on October 3, 2016 entered into between the Town of Forest Heights, Monument Enterprises LLC (prime contractor) and Strategiesfirst, LLC (project manager) for the new Police & Public Works Department building renovation and addition at 606 Modoc Lane as a substitute or replacement for Strategiesfirst, LLC, as the prime contractor, which was initially awarded the contract pursuant to Resolution 44-16 approved on September 17, 2016; and

WHEREAS, said amended contract dated October 4, 2016 included a term that the Contractor, subject to authorized adjustments, would complete the project in sixty-five (65) days of contract execution; and

RESOLUTION 43-19
THE TOWN OF FOREST HEIGHTS

WHEREAS, the Mayor and Council approved Resolution 67-16 on or about November 7, 2016 authorizing the Mayor to enter into a contract with CTI Consultants, Inc. to obtain a Third-Party Building Code Compliance Inspector for 606 Modoc Lane; and

WHEREAS, in addition to several payments for tasks performed under the aforementioned contracts, the Mayor and Council have authorized several expenditures for agents, contractors and subcontractors providing services and materials for the project including but not limited to data line installation, demolitions, concrete footings, security windows, fire sprinklers, inspections, architectural services, fencing, site plans, change orders, trash removal, I-Net equipment installation, mobilization, waterproofing, and permit fees; and

WHEREAS, on December 20, 2018, Pennoni Associates, Inc. ("Pennoni") proposed to coordinate a re-start and/or completion of the project by consulting with the Town over the course of three (3) phases of the project: Phase 1 (review all relevant planning, construction and contract documents and prepare a status report with proposed project completion schedule and weekly punch list; Phase 2 (meet with the staff, Architect, Project Manager, and Contractor to coordinate the "re-start" schedule and provide various tasks including construction project management, quality assurance and budget control); Phase 3 (observe through site visits, punch list preparation and coordinate construction for all remaining project items such as plumbing, walls, windows, electrical, etc. using a sub-contractor; and

WHEREAS, the Council approved the above-referenced professional services contract with Pennoni in accordance with a revised January 4th proposal by Resolution 01-19 of January 7, 2019 thereby assuming oversight duties for the Modoc Lane project; and

WHEREAS, Pennoni reports in a letter dated May 6, 2019 that the project as of last January was approximately 50% complete but due to coordination, condition, supplementals needed, compliance, structure, mold, infestation and reconstruction issues, this project, will not meeting the construction schedule and the permits will essentially lapse; and

WHEREAS, the Council finds that it is in the best interest of the Town to authorize the Mayor to declare a breach and/or enforce the terms of the contract including making a claims against the performance bond and seeking such other relief deemed by the Mayor to be appropriate and beneficial for the Town.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby authorizes the Mayor or her designee to make any beneficial claims with the surety deemed necessary in order to allow the Town to mitigate damages and proceed toward completion of the 606 Modoc Lane Reconstruction Project in the near future; and if deemed prudent to give proper notice of a breach of contract for convenience or otherwise terminate the contract due to default, and

BE IT FURTHER RESOLVED, that the Mayor or her designee are further authorized to obtain any appropriate bids or proposals, and take any reasonable actions to carry out the

RESOLUTION 43-19
THE TOWN OF FOREST HEIGHTS

intent of this Resolution including but not limited to enforcing the terms of any contracts, bonds or laws thereto pertaining, and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 19th day of June 2019.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Yea

KENNEDY II

Yea

NOBLE

NAY

BARNES

Yea

HINES

Absent

WASHINGTON

Yea

MANN

Yea

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

By: _____
Habeeb-Ullah Muhammad, Mayor

SIGNATURE ON FILE

By: _____
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 19th of June 2019 with 5 Aye votes and 1 Nay vote the aforesaid Resolution 43-19 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk